

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On November 26, 1924, the Great Atlantic & Pacific Tea Co. having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that the product be salvaged and recanned under the supervision of and to the satisfaction of this department, and it was further ordered that upon failure of the claimant to comply with the conditions of the decree the Government recover the costs of the proceedings not theretofore paid.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13117. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 200 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19178. I. S. No. 15552-v. S. No. E-5019.)

On November 19, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of canned tomatoes, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Thos. Roberts & Co., McDaniel, Md., alleging that the article had been shipped on or about October 3, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Iona Brand Tomatoes."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 20, 1925, Thos. Roberts & Co. (Inc.), McDaniel, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be delivered to the claimant to be relabeled and repacked under the supervision of this department upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13118. Adulteration and misbranding of evaporated apples. U. S. v. 100 Cases of Evaporated Apples. Decree of condemnation. Product released under bond. (F. & D. No. 19488. I. S. Nos. 13858-v, 13859-v. S. No. E-4906.)

On January 13, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the A. B. Williams Fruit Co., from Sodus, N. Y. December 15, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Choice Queen Quality Evaporated Apples Sulphured A. B. Williams Fruit Co. Sodus Wayne Co. * * * New York State Fruit." The remainder of the said article was labeled in part: "Puritan Brand Extra Fancy New York State Evaporated Ring Apples Bleached With Sulphur Dioxide A. B. Williams Fruit Co. Sodus, Wayne Co. N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and for the further reason that water had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choice Queen Quality Evaporated Apples" and "Extra Fancy Evaporated Ring Apples,"

appearing on the labels of the respective lots, were false and misleading and deceived and misled the purchaser.

On February 18, 1925, the A. B. Williams Fruit Co., Sodus, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13119. Adulteration and misbranding of digester tankage. U. S. v. the Chapman, Doake Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19347. I. S. No. 9112-v.)

On February 14, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman, Doake Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about January 16, 1924, from the State of Illinois into the State of Indiana, of a quantity of digester tankage which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 23.05 per cent of protein, and a large amount of egg shells.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein had been substituted for digester tankage guaranteed to contain not less than 60 per cent of protein, which the said article purported to be. Adulteration was alleged for the further reason that a substance, to wit, egg shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "The Chapman, Doake Company, of Decatur, Ill., Guarantees this Digester Tankage to contain not less than 60.0 per cent of crude protein, and to be compounded from the following ingredients: Meat, Blood, Bone and Intestinal Offal," borne on the tags attached to the sacks containing the article, and the statement, to wit, "Digester Tankage Analysis Protein 60.00%," borne on the said sacks, were false and misleading, in that the said statements represented that the article contained not less than 60 per cent of protein and was compounded from meat, blood, bone and intestinal offal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein and was compounded from meat, blood, bone and intestinal offal, whereas it contained less than 60 per cent of protein and was not compounded solely from meat, blood, bone and intestinal offal, in that it contained egg shells, an undeclared ingredient.

On February 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13120. Adulteration of tomato puree. U. S. v. 250 Cases of Tomato Puree. Default decrec of condemnation, forfeiture, and destruction. (F. & D. No. 19533. I. S. No. 17120-v. S. No. E-5111.)

On January 23, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of tomato puree, consigned by the Davis Canning Co., Laurel, Del., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Laurel, Del., on or about October 4, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Puree Packed By The Davis Canning Co. Laurel, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*